



## **Institute on Religion and Public Policy**

### **Report on Religious Freedom in Egypt**

#### **Executive Summary**

The Egyptian government maintains a firm grasp on all religious institutions and groups within the country. While the Constitution does provide for freedom of belief and worship, interpretation of that provision by the Government has suggested otherwise for minority groups, such as Coptic Christians, Baha'i, or Muslims who stray from beliefs that are officially sanctioned by the state. These groups are often treated as second-class citizens. The Egyptian government's fear of losing its political power creates an atmosphere of violence and suppression, in which opposition groups, most notably the Muslim Brotherhood, are stifled and prohibited from partaking in the political process. Shari'a has an influence over many of the laws of Egypt, and this often leads to a subordination of women and a refusal of certain fundamental rights. Interfaith marriage is not allowed, and the consequences for such marriages are severe.

#### **Institute on Religion and Public Policy**

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

#### **History of Freedom and Politics in Egypt**

The modern period of Egyptian political history can be traced back to 1952, when Col. Gamal Abdel Nasser overthrew the King appointed by the British Empire to lead Egypt. In 1953, Egypt was declared a republic, and the Constitution that is in place today was enacted. Nasser's policies tended to be harsh and restrictive, not allowing for any political or social opposition to arise. Anwar Sadat's election to the Presidency, following Nasser's death, brought about great social and economic change. Government controls over the economy were relaxed and private and foreign investment was encouraged. The political process was liberalized with the reinstatement of due process and the legal banning of torture. Following Sadat's assassination in 1981, current President Mubarak took over, and declared a State of Emergency that is still in effect today. The Emergency

Law restricts many of the reforms Sadat sought to ensure, and governs the country so as to prevent any uprising or unrest. Massive restriction of political opposition exists, including that of the political faction, the Muslim Brotherhood. The Brotherhood is not recognized as a political party, because Egyptian law prohibits the formation of political parties based on religion. Members of the Muslim Brotherhood run in elections as independents. Elections are widely believed to be rigged, and opposition leaders are often subject to detainment with little or no cause.

## **Legal Status**

Article 2 of the Constitution declares Islam as the official state religion of Egypt, and *Shari'a*, or Islamic jurisprudence, as the primary source of legislation.

The Constitution of Egypt includes provisions that broadly provide for freedom of belief and practice of religious rites, although in practice, some of these rites are restricted. For example, Article 40 declares that all citizens are equal before the law, and everyone has equal public rights and duties without discrimination. Discrimination is not allowed due to race, ethnic origin, language, religion or creed. In addition, Article 46 says that the state shall guarantee the freedom of belief and the freedom of practice of religious rites. The Government has chosen to apply these provisions narrowly, to include only those members of the Islamic, Christian and Jewish faiths.

The Emergency Law, which took effect in 1981 and is still in place today, restricts many human rights, including freedom of religion or belief as well as freedom of expression, assembly and association. The Government insists that the Emergency Law will be lifted as soon as anti-terror legislation is enacted. Critics of the law believe that it is used to suppress political competition and violate human rights without penalty. The law is most often cited when arresting members of the Muslim Brotherhood.

Article 98(f) of the Penal Code prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. Fines and even imprisonment can result from violating this law.

Application of family law, which includes marriage, divorce, alimony, child custody, and burial, is based on the religion of the individual. However, the courts that preside over these issues only recognize Islam, Christianity and Judaism. *Shari'a* law rules Muslim citizens, applying traditional Islamic principles to the rights of men and women. Under this system, women are largely restricted in their ability to make decisions, get a divorce if requested, and are considered subordinate to their male counterparts. Egypt only recognizes marriages that take place within the country. Consequently, interfaith marriage is almost impossible. Any interfaith marriage that does occur could lead to the state taking

control of any children resulting from the union, and arrest of the woman on the charge of apostasy.

Law 15 of 1927 was enacted in order for religious groups to be recognized within Egypt. The group must submit a request to the Religious Affairs Department of the MOI, which determines whether the group poses a threat to or upsets national unity or social peace. The registration request is then given to the leading religious figures for consultation, and if passed, the President has the final decision. There are currently no groups waiting for state approval.

### **Specific Instances of Religious Discrimination**

The Government maintains strict control over all religious institutions of Islam, appointing all Imams, licensing all mosques and monitoring sermons. All mosques and other religious endowments are encouraged to promote an officially sanctioned interpretation of Islam. The goals of this are supposedly to protect against religious extremism and terrorism.

The State continues to prosecute and imprison those accused of non-approved religious beliefs within the Islamic faith, as well as anyone who insults the three heavenly religions of Islam, Christianity and Judaism. Courts may prosecute anyone who the Government deems to have unorthodox or deviant Islamic or other religious beliefs or practices. This has been deemed acceptable by the courts, which have held that the Constitutional provision regarding religious freedom does not apply to the Baha'i or any other religious group not affiliated with Christianity, Islam or Judaism.

The exclusion and discrimination of certain religious groups has led to many problems with regards to individuals capitalizing on the rights of citizenship. In January of 2008, the Cairo Administrative Court interpreted the constitutional provision guaranteeing freedom of opinion and belief in an extremely narrow fashion. In a case determining the validity of forcing statement of religious beliefs on required identity cards, the CAC ruled that forcing Baha'i's to declare their religion as either Jewish, Christian or Muslim was not contrary to the Constitutional right to free belief and practice. They decided that the provision only meant that non-Muslims are free to adopt Islam, free to continue in their respective faith and free from compulsion to convert to Islam. However, freedom to practice religious rites is subject to certain limitations, especially in the interest of maintaining public order, public morals, and conformity to the provisions and principles of Islam.

The policy upheld by the CAC in 2006 essentially prohibited members of the Baha'i faith from obtaining a national identity card. All citizens over the age of 16 are required to carry a national identity card that lists one's religion, but the only options that a citizen can choose are Islam, Judaism or Christianity. Without identity cards, the Baha'i are severely restricted in their citizenry, and find it more

difficult to obtain education, employment and social services. This policy runs contrary to Article 40 of the Constitution, which guarantees citizen equality before the law, and equal access to public rights and duties without discrimination.

In April of 2009, Egypt's Ministry of Interior published a decree, following a ruling by the Supreme Court of Egypt that allowed citizens to obtain government documents without identifying themselves as belonging to a particular religion. Citizens may now put a dash on an ID card instead of specifying religious affiliation. This ruling is the first time in Egyptian history that the Courts and the Government have recognized a citizen's right to religious privacy. The obvious problem with this policy is that citizens requesting the dash may still face discrimination, as they are clearly not a member of one of the three named religions. An ID card with a dash may still have trouble finding employment, taking advantage of government and social services, or finding a place from which to receive an education. The prejudice of the Baha'i by Egyptians is so outwardly, any card that implicates a person as such will almost certainly cause them problems throughout the country.

The Government often uses Article 98(f) of the Penal Code to prosecute alleged acts of proselytism by non-Muslims. However, neither the Constitution nor the Civil and Penal Codes of the country actually prevent proselytizing. The language of the law suggests that the Egyptian government believes proselytizing is capable of inciting sectarian strife or dishonoring one of the three recognized religions.

In 2007, the Egyptian government enacted a nationwide crackdown on the existence and activities of the Muslim Brotherhood. The Brotherhood has been officially banned as a political group since the 1950's, due to its desire to overthrow the current form of government and replace it with Islamic Law, as well as its alleged participation in terrorist activity throughout the years. However, recent statements of the Brotherhood make it seem as though they are committed to gaining power in a peaceful manner. They want to use Islamic law to make certain reforms in the country, and to use the people and the political process to do so. The rampant corruption in the Egyptian political process, and the frequent arrests made of Brotherhood leaders by the Egyptian police make this goal seem unlikely. It is unclear how conservative the Brotherhood would like the country to be, and exactly how much Islamic jurisprudence they would seek to bring into the country. Past behavior of the group suggests that there would be a more conservative interpretation than currently exists on such matters as divorce and women's rights.

Anti-Christian employment discrimination is evident in the public sector, specifically in the security services and military. The largest minority group in Egypt is Coptic Christians, and there have been numerous occasions of sectarian strife between them and Egyptian Muslims. One such instance occurred in 2007, when a Coptic man was accused of having a relationship with

a Muslim woman. A number of stores owned by Copts were burned in the town of Armant in Upper Egypt (southern Egypt) and security services were forced to declare a state of siege. Although Egypt officially recognizes Christianity as a heavenly religion, treatment of Christians throughout the country is discriminatory and biased.

## **US Foreign Policy**

The relationship between the US and Egypt is very strong, and based on shared mutual interests that include Middle East peace and stability and promotion of regional security. Egypt remains the second largest recipient of U.S. aid, as a result of the Egyptian-Israeli Peace Treaty of 1979.

The US government keeps an open dialogue with Egypt about the importance of religious freedom. Senior government officials on both sides speak openly and freely and have expressed concern with the discrimination of the Baha'i and Christian communities. The US provides funding for programs that work with Coptic community groups, as well as NGO's that monitor instances of religious bias in the media. The US government is working to strengthen civil society, by supporting secular channels and promoting religious tolerance and mutual respect between communities.

## **Conclusion**

It is important that the United States use its friendship with Egypt to influence its policies on religious freedom, rather than turn a blind eye. The recent rulings on government ID's are a step in the right direction, but discrimination and intolerance are still huge problems throughout the country. Policies by the government promote bias against religious minorities like the Baha'i and the Copts, and the banning of the Muslim Brotherhood has contributed to an atmosphere of political and social corruption. This air of intolerance filters down to the population, resulting in sectarian violence and attacks on religious minorities in the community. Egypt must continue to take steps to recognize all of its religious minorities as equal under the Constitution, and refrain from picking and choosing which religions and beliefs are protected and which are not.